

PART 225—RAILROAD ACCIDENTS/ INCIDENTS: REPORTS CLASSI- FICATION, AND INVESTIGATIONS

Sec.

- 225.1 Purpose.
- 225.3 Applicability.
- 225.5 Definitions.
- 225.7 Public examination and use of reports.
- 225.9 Telephonic reports of certain accidents/incidents.
- 225.11 Reporting of accidents/incidents.
- 225.12 Rail Equipment Accident/Incident Reports alleging employee human factor as cause; Employee Human Factor attachment; notice to employee; employee supplement.
- 225.13 Late reports.
- 225.15 Accidents/incidents not to be reported.
- 225.17 Doubtful cases; alcohol or drug involvement.
- 225.19 Primary groups of accidents/incidents.
- 225.21 Forms.
- 225.23 Joint operations.
- 225.25 Recordkeeping.
- 225.27 Retention of records.
- 225.29 Penalties.
- 225.31 Investigations.
- 225.33 Internal Control Plans.
- 225.35 Access to records and reports.
- 225.37 Magnetic media transfer and electronic submission.

APPENDIX A TO PART 225—SCHEDULE OF CIVIL PENALTIES

APPENDIX B TO PART 225—SCHEDULE OF CIVIL PENALTIES

AUTHORITY: 49 U.S.C. 20901, 20102, 322(a), 21302, 21304, formerly codified at 45 U.S.C. 38, 42, 43, and 43a; 49 U.S.C. 20102–20103, 20107, 20108, 20110, 20131–20143, 21301–21302, 21304, 21311, 24902, formerly codified at 45 U.S.C. 39, 431, 437, and 438; 49 U.S.C. 103, 49 U.S.C. 20901–20902, 21302, formerly codified at 49 App. U.S.C. 1655(e)(1)(K); 49 CFR 1.49 (c), (g), and (m).

SOURCE: 39 FR 43224, Dec. 11, 1974, unless otherwise noted.

§ 225.1 Purpose.

The purpose of this part is to provide the Federal Railroad Administration with accurate information concerning the hazards and risks that exist on the Nation's railroads. FRA needs this information to effectively carry out its regulatory responsibilities under 49 U.S.C. chapters 201–213. FRA also uses this information for determining comparative trends of railroad safety and to develop hazard elimination and risk

reduction programs that focus on preventing railroad injuries and accidents. Issuance of these regulations under the federal railroad safety laws and regulations preempts States from prescribing accident/incident reporting requirements. Any State may, however, require railroads to submit to it copies of accident/incident and injury/illness reports filed with FRA under this part, for accidents/incidents and injuries/illnesses which occur in that State.

[61 FR 30967, June 18, 1996]

EFFECTIVE DATE NOTE: At 61 FR 30967, June 18, 1996, § 225.1 was revised, effective Jan. 1, 1997. For the convenience of the user, the superseded text is set forth as follows:

§ 225.1 Purpose.

The purpose of this part is to provide the Federal Railroad Administration (FRA) with information concerning hazardous conditions on the Nation's railroads. FRA needs this information to carry out effectively its regulatory responsibilities under the Federal Railroad Safety Act of 1970 and the Accidents Reports Act. Issuance of these regulations under the Federal Railroad Safety Act preempts States from prescribing accident/incident reporting requirements. Any State may, however, require railroads to submit to it copies of accident/incident reports filed with FRA under this part, for accidents/incidents which occur in that State. The reporting and recordkeeping requirements prescribed in this part have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980.

(Approved by the Office of Management and Budget under control number 2130–0500)

[49 FR 48939, Dec. 17, 1984, as amended at 53 FR 28601, July 28, 1988; 54 FR 33229, Aug. 14, 1989]

§ 225.3 Applicability.

This part applies to all railroads except—

(a) A railroad that operates freight trains only on track inside an installation which is not part of the general railroad system of transportation or that owns no track except for track that is inside an installation that is not part of the general railroad system of transportation and used for freight operations.

(b) Rail mass transit operations in an urban area that are not connected with the general railroad system of transportation.

(c) A railroad that exclusively hauls passengers inside an installation that is insular or that owns no track except for track used exclusively for the hauling of passengers inside an installation that is insular. An operation is not considered insular if one or more of the following exists on its line:

- (1) A public highway-rail grade crossing that is in use;
- (2) An at-grade rail crossing that is in use;
- (3) A bridge over a public road or waters used for commercial navigation; or
- (4) A common corridor with a railroad, *i.e.*, its operations are within 30 feet of those of any railroad.

[61 FR 30967, June 18, 1996]

EFFECTIVE DATE NOTE: At 61 FR 30967, June 18, 1996, § 225.3 was revised, effective Jan. 1, 1997. For the convenience of the user, the superseded text is set forth as follows:

§ 225.3 Applicability.

This part applies to all railroads except those railroads whose entire operations are confined within an industrial installation.

§ 225.5 Definitions.

As used in this part—

Accident/incident means:

- (1) Any impact between railroad on-track equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle or pedestrian at a highway-rail grade crossing;
- (2) Any collision, derailment, fire, explosion, act of God, or other event involving operation of railroad on-track equipment (standing or moving) that results in reportable damages greater than the current reporting threshold to railroad on-track equipment, signals, track, track structures, and roadbed;
- (3) Any event arising from the operation of a railroad which results in:
 - (i) Death to any person;
 - (ii) Injury to any person that requires medical treatment;
 - (iii) Injury to a railroad employee that results in:
 - (A) A day away from work;
 - (B) Restricted work activity or job transfer; or
 - (C) Loss of consciousness; or
 - (4) Occupational illness of a railroad employee.

Accountable injury or illness means any condition, not otherwise reportable, of a railroad worker that is asso-

ciated with an event, exposure, or activity in the work environment that causes or requires the worker to be examined or treated by a qualified health care professional. Such treatment would usually occur at a location other than the work environment; however, it may be provided at any location, including the work site.

Accountable rail equipment accident/incident means any event not otherwise reportable, involving the operation of on-track equipment that causes physical damage to either the on-track equipment or the track upon which such equipment was operated and that requires the removal or repair of rail equipment from the track before any rail operations over the track can continue. An accountable rail equipment accident/incident, if not tended to, thus would disrupt railroad service. Examples of “disruption of service” would include: loss of main track; one or more derailed wheels; any train failing to arrive or depart at its scheduled time; one or more cars or locomotives taken out of service; or rerouting trains due to a damaged car or locomotive.

Arising from the operation of a railroad includes all activities of a railroad that are related to the performance of its rail transportation business.

Day away from work is any day subsequent to the day of the injury or diagnosis of occupational illness that a railroad employee does not report to work for reasons associated with his or her condition.

Day of restricted work activity is any day that a employee is restricted (as defined below) in his or her job following the day of the injury or diagnosis of occupational illness.

Employee human factor includes any of the accident causes signified by the train accident cause codes listed under “Train Operation—Human Factors” in the current “FRA Guide for Preparing Accidents/Incidents Reports,” except for those train accident cause codes pertaining to non-railroad workers. For purposes of this definition “employee” includes the classifications of Worker on Duty—Employee, Employee not on Duty, Worker on Duty—Contractor, and Worker on Duty—Volunteer.